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1 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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3 W. A. DREW EDMONDSON, in)
his capacity as ATTORNEY)

4 GENERAL OF THE STATE OF)
OKLAHOMA and OKLAHOMA)

5 SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT in his)

6 capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)

7 STATE OF OKLAHOMA,)
)

8 Plaintiff,)
)

9 vs.) No. 05-CV-00329-GKF-PJC
)

10 TYSON FOODS, INC, et al.,)
)

11 Defendants.)

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13 VIDEOTAPED DEPOSITION OF JON CRAIG,
14 before the undersigned Certified Shorthand Reporter,
taken on behalf of the Defendants, at the Department of
15 Environmental Quality, 707 North Robinson, Oklahoma
City, Oklahoma, commencing at 9:06 a.m., on April 2,
16 2009, pursuant to the stipulations of the parties.

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19 _____
NICHOLE M. MYERS, RPR, CSR #1704

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21 NICHOLS McCLANAHAN REPORTING
Two Main Plaza

22 616 South Main, Suite 302 CRAIG, JON

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EXHIBIT

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1 mean that it -- that their contribution wouldn't

2 figure in to some of the things that we do.

3 Q. All right.

4 A. Let me give an example of something we

5 might do that we don't at this point. There is a

6 system called trading whereas if an industry or a

7 municipality discharges a certain loading and the

8 TMDL requires them to reduce the loading or their

9 waste load requires them to reduce their loading of

10 waste -- of pollutants then they could actually trade

11 and they could say we'll implement BMPs for nonpoint

12 sources and reduce the loading that way, and they get

13 a credit. And that is a provision that is allowed

14 though I don't know of any city or industry that is

15 doing that. But it is -- to be honest it's going to

16 happen. It's probably cheaper than some of the other

17 things.

18 Q. Okay. Thank you. I want to ask later

19 about TMDLs, but let me ask you right now for any

20 waters in the IRW is it correct that no TMDLs have

21 been put in place?

22 A. TMDL is being developed in Oklahoma for

23 portions of the Illinois River watershed and

24 Tenkiller Lake. I don't think the whole basin is

25 impaired. I think only certain segments. And you

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1 only do TMDLs for the impaired segments. Also, I

2 think that Arkansas has some segments that are

3 impaired and they may be preparing TMDLs.

4 Q. Yeah, and I should have limited my

5 question to the Oklahoma portion of the Illinois

6 River watershed.

7 A. Okay.

8 Q. And you indicated that some TMDLs are

9 being prepared, but none have been finalized; have

10 they?

11 A. That's correct.

12 Q. Do you know what -- well, let me save --

13 I'm going to come back to the TMDLs in a minute.

14 If you would, look back at Exhibit 1. And

15 again back to the third page -- I'm sorry, the fourth

16 page. And this is under Section 2-6-103. And if

17 you'll look at part C1(a) on the following page.

18 A. Yes, sir.

19 Q. Can you read for me the language of C1(a)?

20 A. "The Executive Director may issue, modify

21 or revoke orders: Prohibiting or abating pollution

22 of the waters of the state."

23 Q. What does that language mean to you?

24 A. Well, I have always assumed -- and I'm not

25 an attorney. But I have always assumed that this is